

January 19, 2009

Mr. Jeff Funke  
Area Director  
Charleston Area Office  
U.S. Department of Labor/ OSHA  
405 Capitol Street, Suite 407  
Charleston, WV 25301

Re: Inspection of Bayer CropScience Institute Plant

Dear Mr. Funke:

In response to your request for documents dated January 7, 2009 enclosed are the following:

<u>REQ. # / ITEM #</u>	<u>DESCRIPTION</u>	<u>TRADE SECRET, ETC.</u>
<b>Req. 18 Item 2</b>	All documents and correspondence, from November 2007 to date including but not limited to email and other written communications received by or sent by Rick Clay and Karen Myers, relating to the four Process Hazard Analysis "deficiencies" identified in the memo from Karen Myers to Rick Clay dated 11/29/07 entitled "Institute Methomyl Larvin Facilitated Self Assessment-2007". Additionally, the document referred to by Ms. Myers from which she copied or "cut and pasted" the four "deficiencies" reflected in the FSA memo dated 11/29/07, and all other documents that reflect that Ms. Myers did not intend to include those "deficiencies" in the memo.	<b>X</b>

**NOTE:** Please find the attached documents which are responsive to the request for communications regarding the changes in documentation for the 2007 Methomyl FSA.


Document 1 is the 2004 FSA transmittal document which summarizes the information in the table identified as document 1A.

Document 2A is the original 2007 FSA transmittal document which was edited by highlighting the information that was copied in error from the 2004 in yellow with the corrected information supplied in blue font. Document 2B is Karen Myers e-mail transmittal of this document for review. Document 2C is Karen's transmittal of this revised document to the production unit personnel who are responsible for addressing any deficiencies identified in the audit. Finally, document 2D is the table which identifies the various observations made by Karen Myers during the 2007 FSA.

The document(s) marked "X" in the column headed "Trade Secret, Etc." contain trade secret, proprietary or business confidential information protected by 29 U.S.C. § 664, Section 15 of the Occupational Safety and Health Act of 1970; the Trade Secrets Act, 18 U.S.C. § 1905; and the OSHA trade secret regulation at 29 C.F.R. § 1903.9.

The confidentiality of the document(s) marked "X" may be disclosed only to those government employees having a bona fide need for access to the document(s), and may not be disclosed or made available to any member of the public in any form, whether directly or indirectly, or by summary or analysis.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. M. May", is written over a horizontal line.

For Bayer CropScience